

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

TERRANCE ALDEN,)
Plaintiff,)
v.) Cause No. 2:20-cv-00479-JPH-DLP
FEDERAL BUREAU OF PRISONS,)
UNITED STATES,)
Defendants.)

THE UNITED STATES OF AMERICA'S
BRIEF IN SUPPORT OF MOTION TO COMPEL

Defendant, the United States of America, by counsel, respectfully moves this Court for an order requiring Plaintiff to respond to its outstanding discovery requests within thirty days.

On June 23, 2022, the United States propounded the United States' First Request for Production of Documents and the United States' First Set of Interrogatories (collectively, the "Discovery Requests"). [Filing No. 122-1.] The Discovery Requests were mailed to the United States Penitentiary - McCreary, which is where Plaintiff was incarcerated when the requests were mailed to him and where he remains incarcerated.

After the undersigned did not receive responses to the Discovery Requests within the timeframe provided for by the Federal Rules of Civil Procedure, on August 8, 2022, she sent a letter to Plaintiff reminding him of his discovery obligations. [Filing No. 122-2.] To date, the undersigned has not received responses to the Discovery Requests or any other response her August 8, 2022 letter.

Rules 33 and 34 of the Federal Rules of Civil Procedure provide that Interrogatories and Requests for Production of Documents must be answered by the party to whom they are directed,

or objected to, within thirty days after service. The undersigned has contacted Plaintiff regarding the Discovery Requests, but he has not responded to her in any way.

Discovery is currently set to close on August 24, 2022. [Filing No. 82.] Under the Federal Rules of Civil Procedure, the United States is entitled to completed responses to written discovery. Without such responses, the United States will be prejudiced in its preparation for dispositive motions and trial.

WHEREFORE, the United States respectfully requests that the Court grant its motion to compel and order Plaintiff to respond to the Discovery Requests within thirty days.

Respectfully submitted,

ZACHARY A. MYERS
United States Attorney

By: /s/ Rachana N. Fischer
Rachana N. Fischer
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2022, a copy of the foregoing was filed electronically.

Notice of this filing was also sent by first class U.S. Mail, postage prepaid and properly addressed, to the following:

TERRANCE ALDEN
02595-135
MCCREARY - USP
MCCREARY U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 3000
PINE KNOT, KY 42635

/s/ Rachana N. Fischer
Rachana N. Fischer
Assistant United States Attorney

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